Saskatchewan
Parks and
Renewable
Resources

Bob Pickering
Minister

White Paper

The Parks Act

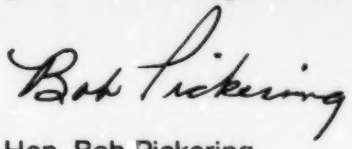
85-1156/

Foreword

The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act is undergoing revision. Athough it is basically a good Act, which serves the needs of our parks and special areas very well, some alterations and clarifications are desirable. At the same time, this is an opportunity to reflect on the relationship between this Act and other related pieces of legislation.

This White Paper describes the proposed areas of change and reorganization. It is being widely circulated to encourage public feedback on the proposals it contains. I hope you will take the time to review the paper and send us your comments on the enclosed questionnaire.

The park lands of Saskatchewan are a valuable and enjoyable part of the high quality of life we have in this province. Their continued protection and wise management is of concern to all citizens. I look forward to your participation in the review of this important legislation which guides the management of our park resources.



Hon. Bob Pickering
Minister
Parks and Renewable Resources

Introduction

Since its beginning in the 1930's, the provincial park system in Saskatchewan has evolved to a network of 17 major areas of provincial significance. Not only do these parks protect valuable natural and cultural resources in all parts of the province, but they also provide a wide spectrum of recreational opportunities for the enjoyment of residents and visitors alike. It is this important dual role of protection and public use and enjoyment that continues to be the real purpose and essence of our parks.

These 17 special areas are the foundation of a much larger network of park lands within the province. The system of provincial parks has been complemented with other designations of land that are important to provide specific resource protection needs and to increase the local supply of recreational facilities. Over two hundred protected areas, recreation sites and regional parks have been established for these purposes.

Altogether a system of park lands has been developed and maintained, of which the people of Saskatchewan can be extremely proud. It is hoped that the system will become increasingly known and appreciated. With such understanding and appreciation will come support for the continued growth and integrity of the system in the future. The protection of additional lands for park purposes is needed to more fully represent the natural and cultural diversity of the province and to provide a greater range of recreational opportunities in all seasons of the year to all our residents and visitors. Maintaining the integrity of our park lands will ensure both adequate protection of the natural resources and continued provision of high quality recreation opportunities.

The revision of the present legislation is seen as being a necessary step in the orderly growth and development of the system of park lands. It provides an opportunity to clarify and update development and management strategies and at the same time provides an opportunity to communicate with the public about the basic philosophy and the future direction for our park system.

Only by dealing directly with park users and park interest groups can we be sure we are fully meeting our mandate in the provision and management of park lands. This White Paper is intended to inform you about our proposals for change, and allows you to advise us on your preferences. Please feel free to participate fully. Use the questionnaire in this booklet, write, phone or talk to our staff. We would appreciate your input by September 30, 1984.

Summary

Rather than representing major changes in the legislation, the proposals contained in this paper address the need: to consolidate pieces of legislation; to more clearly organize and present the provisions of the Act; to bring in some new ideas in park land management; and to include minor provisions omitted in previous amendments or to delete unused or confusing ones. The major proposals can be capsulized as follows:

Relationships to Other Acts

- repeal The Regional Parks Act and The Parks Advisory Council Act and incorporate the essential purposes of each into the provisions of The Parks Act. Because the regional parks program is sufficiently different in its function and operation, a separate section in the Act and a set of regulations under the Act will be required.
- delete the present provisions for management of heritage property but allow the application of The Heritage Property Act to resources within the areas administered under The Parks Act.

Provisions Added or Modified

- identify a classification of park lands for the purpose of creating a greater public awareness of the primary purpose of individual parks and therefore a more appropriate understanding and use of the area; and a more clear and comprehensive approach to park planning, development and use.
- establish areas of provincial historic significance as Provincial Historic Parks rather than the current designation of Protected Area. The provincial markers program of roadside plaques identifying significant sites and themes will be incorporated into the new Act.
- designate additions to provincial parks as Park Land Reserves which would be established by Minister's Order and incorporated into a revised description of the park or protected area boundary at the next appropriate time for amending the Schedule of the Act.
- use of the Park Land Reserve mechanism to identify and protect potential new park areas during study and planning for designation.

- allow Ministerial agreements with local governments and private land-owners regarding: the joint control of use and development of buffer lands; and the potential for expansion of provincially significant recreation opportunities through the use of private or leased crown lands.
- provide regulatory powers to control consumption of alcohol and the use of all-terrain vehicles, boats and aircraft.
- increase penalties for offences, and introduce alternatives to monetary fines.
- simplify the title of the Act. The title "The Parks Act" is proposed to replace the present title " The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act".

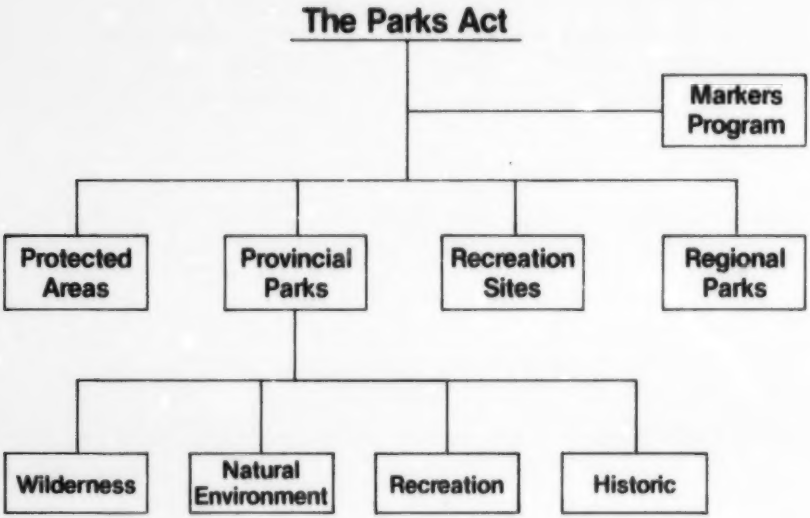
This White Paper is organized under the same framework as that proposed for the new Act. The divisions to be used are:

1) purpose and classification of park lands
2) establishment of parks
3) administration and planning
4) regulations
5) enforcement.

A description of the content of each division follows, highlighting the proposed changes to the Act.

Purpose and Classification of Park Lands

It is important at the outset to establish the scope of the lands which are encompassed by the provisions of the Act. The organizations of these areas in schematic form is illustrated below.



None of these forms of park land are new. All presently exist within the province. The intent here is to bring together in an organized and easily understandable fashion all the lands administered in some way by the Province as the park lands of Saskatchewan. Some noteworthy changes from present conditions include: the inclusion of the regional parks program which is presently the subject of separate legislation; and the inclusion of the provincial markers program which has not been previously acknowledged in legislation. It should also be noted that all the provisions of the Act and regulations apply to all protected areas, provincial parks and recreation sites. In the case of regional parks only these provisions of the Act which specifically identify them will apply, and there will be separate regulations for regional parks.

The Parks Act Questionnaire

This questionnaire, which is provided to assist in responding to the issues and suggestions outlined in the White Paper will be helpful in assessing whether to proceed with the revisions to the Act as described or to make further alterations. Your consideration of this matter would be appreciated in the next few weeks as it is proposed to proceed with the drafting of new legislation in October. **Please have your comments in by September 30, 1984, at the latest.**

- Complete the questionnaire by checking the appropriate boxes and making any comments you wish in the space provided.
- Return the form to any provincial park or Department of Parks and Renewable Resources Office, or mail it to:

  Parks and Lands Branch
  Department of Parks and Renewable Resources
  Room 528 - 3211 Albert Street,
  Regina, Saskatchewan.
  S4S 5W6

Thank you.

1. Do you agree with the proposed new title of the Act, "The Parks Act" — a change from the "The Provincial Parks, Protected Areas, Recreation Sites and Antiquities Act"? ☐ Yes ☐ No

2. By this proposed legislation, two Acts would be repealed: The Regional Parks Act and The Parks Advisory Council Act. Do you agree with the proposed integration of the intent of these Acts into the Parks Act?

   - The Regional Parks Act ☐ Yes ☐ No
   - The Parks Advisory Council Act ☐ Yes ☐ No

3. Do you agree with the proposed classification of provincial parks? ☐ Yes ☐ No

   If No: Which classification is NOT agreeable?

   ☐ Wilderness

   ☐ Natural Environment

   ☐ Recreation

   ☐ Historic

4. Do you agree with the provision of a "Park Land Reserve" interim designation by Minister's Order for land recognized as having park land potential? ☐ Yes ☐ No

5. Do you agree that unused road allowances be designated as park land when adjoining lands are declared provincial parks? ☐ Yes ☐ No

6. Do you agree that the provisions of The Heritage Property Act should apply on the lands designated under The Parks Act except where otherwise provided by the Act? ☐ Yes ☐ No

7. Do you agree that the Minister should be able to enter into agreements with municipalities to facilitate compatible uses of adjacent land to ensure the integrity of existing park lands? ☐ Yes ☐ No

8. Do you agree that the Minister should be able to enter into agreements with private landowners for the use of their land for recreational opportunities? ☐ Yes ☐ No

9. Do you agree that the Minister should be given the power in Parks to restrict:

   a) consumption of liquor? ☐ Yes ☐ No

   b) use of ATV's, boats and aircraft? ☐ Yes ☐ No

10. Do you agree with the proposed increase in the penalties for offences under the Act? ☐ Yes ☐ No

11. Do you agree that a provision for the compensation for damages should be included with penalties and offences? ☐ Yes ☐ No

Comments

Thank you for your interest in Saskatchewan Parks.

1. Protected Areas — These are special areas designated for maximum protection due to the importance, rarity, or fragility of the natural, historic or archaeolo ical resources they contain. Protected Areas are primarily designated for protection and scientific study, but where appropriate, controlled use may be alllowed.

2. Provincial Parks — These parks are usually large areas of land and water where the high quality of the natural resource or historic values combine to make the area provincially significant. The Act dedicates these parks to the people of Saskatchewan for their healthful enjoyment and the cultural, educational and social benefits that may be derived from them. Although all provincal parks are established to achieve the dual purpose of recreational use and protection, while contributing to the provincial economy through the stimulation of tourism, each park does so in different ways and achieves these objectives to varying degrees. Thus a classification of provincial parks is both possible and appropriate.

- **Wilderness** — These are parks where the natural landscape remains largely unaltered by man and this state is to be continued. The parks provide large natural areas characteristic of the province where dispersed recreational activities and solitude are of primary importance.
- **Natural Environment** — Including natural resources which represent the natural landscapes of the province, these areas provide a wide range of nature-oriented outdoor recreation opportunities. Encouraging both dispersed and intensive activities, natural environment parks provide a wide variety of visitor services and accommodations that are developed sensitively in the natural setting.
- **Recreation** — The primary purpose of these areas is to provide high quality recreational opportunities. The focus is on the development of facilities to support a wide range of recreational activities in attractive natural settings.
- **Historic** — The primary purpose of these parks is to protect and interpret historic themes and resources. The parks are large enough to effectively accomplish these purposes and to provide associated visitor activities and services.

3. Recreation Sites — The primary purpose of these areas is to provide recreation opportunities and facilities to serve a wide variety of needs. They are typically small areas focussed on the particular activity or facility like a beach and lakeshore.

4. Regional Parks — The regional parks are established in co-operation with local municipalities to provide recreation opportunities and facilities to local and regional populations. The program is distinctly different from provincial park administration in that it supports park development and operation by local independent park authorities. These authorities are responsible for the development and management of the park under their jurisdiction. The program is successful because of the commitment, energy and ability of the independent park authorities. The provincial government provides annual maintenance and capital grants to Regional Park Authorities.

5. Provincial Markers Program — The provincial markers program was established to recognize provincially historic and natural themes even though the actual resources may no longer be an integral part of the landscape. Plaques are established at many sites throughout the province, often on private land. A register of markers is kept.

Establishment of Parks

There are two primary mechanisms for designating park land areas. The first is in a Schedule to the Act where legal boundaries are described and approved in the Provincial Legislature. The second is by Order in Council (O.C.) where the Lieutenant Governor in Council approves, on the recommendation of the Minister, an area to be established for park purposes and registers it by Order. Both forms of land designation are presently applied to various park lands and this current practice is considered to be appropriate.

Provincial Parks and Protected Areas are established by legislation. They should continue to be identified in separate Schedules of this Act. The significance of these areas, and the extent of resource protection that is fundamental to their purpose, makes legislated protection appropriate.

Recreation Sites and Regional Parks are established by O.C. They provide recreational opportunities and facilities for local residents and a more limited portion of the travelling public. Their establishment by O.C. is appropriate because of the level of

signficance of the resources and the primary focus of these areas on the provision of recreation rather than resource protection.

Neither of the two primary mechanisms described above is necessary for the sites included in the Provincial Markers Program. They should be designated by Minister's Order and a register should continue to be maintained. Although focussing on provincially significant historic and natural themes, they involve very small land areas which often are not crown land, or no actual land at all. They may relate to historic happenings, and since the resources that were once significant may no longer be present, there is no need for legislated protection.

One addition to the Act that is being proposed regarding park establishment relates to the current process for adding lands to existing parks. Presently, parks may be increased in size by designating additional lands under an O.C. It is proposed that an interim designation of "Park Land Reserves" be established which would fulfill this objective and which would also allow entirely new areas to be temporarily established as potential park lands in recognition of their perceived values. Such a designation would prevent the disposition of these lands to other land uses and would allow the research and assessment necessary to proceed with establishment of any one of the categories of park land described in the classification system. Such an interim designation would be made by Minister's Order. This formal designation of crown land is important for clearly establishing the preferred land and resource use to the exclusion of other uses and for allowing the provisions of the Act and regulations to apply to the lands so designated. Final establishment of the area by amendment to the Act or O.C. would be required within a specified time period of 5 years. If a final decision cannot be reached during that time period, the 5 year term may be renewed with good reason.

A second change to the Act that is being proposed is less far reaching but would resolve some difficulty experienced in managing some of our parks. When lands are designated for park purposes, a special provision to extinguish unused roads allowances is proposed. This would mean that all unused road allowances which pass through provincial park lands would be restricted from conflicting uses.

Planning and Administration

The planning and administration functions currently described in the Act are considered appropriate and valuable to the operation of the system of park lands in the province. However, the following discussion identifies certain important areas where the powers of the Minister to direct the planning and development of park lands could be expanded.

The Parks Act presently acknowledges the application of The Forest Act to park lands except where otherwise directed by The Parks Act or Regulations. A similar provision is proposed recognizing the application of The Heritage Property Act. Of particular importance are the powers in The Heritage Property Act governing maintenance, operation, management and conservation and the controls affecting resource conservation. Involving the powers of The Heritage Property Act would strengthen the control over heritage resources existing on park lands. Also the deletion of the existing clauses regarding historic resources would eliminate duplication and uncertainty of jurisdiction between this Act and The Heritage Property Act.

With the proposed incorporation of the regional park program under the purview of the Parks Act, specific provisions need to be included. It is proposed that these provisions be limited to the following basic principles: to establish park authorities as corporate bodies by O.C.; to designate park areas by O.C.; to enter into agreements with the park authority for the establishment and operation of a regional park; and to enable the Minister to assist as required in the planning, development and operation of a regional park. Because of the distinctive nature of the regional parks program, it is proposed that the remainder of the existing provisions of The Regional Parks Act be incorporated into a specific set of regulations for regional parks established under The Parks Act.

The authority to establish fees is an area inadequately addressed in the Act. It is proposed that this inadequacy be rectified by providing comprehensive authority to the Minister to establish all visitor use fees. The Lieutenant Governor in Council retains the authority to establish those fees associated with the full range of licenses, permits, leases, etc., necessary for business activity and land use within park areas. Ministerial authority is also considered appropriate for restricting the consumption of liquor and the use of all-terrain vehicles, boats and aircrafts within parks. Recognition of this authority is also proposed to be added to the New Act.

With the increasing intensity of land use throughout the province, concern about the development of areas immediately adjacent to park lands is increasing. It is proposed that the Minister be given authority to enter into specific agreeements with local governments and private landowners regarding the development of peripheral lands in the interest of protecting both the resource values and the recreational quality of the existing park land. Similarly, it is proposed that the Minister have authority to enter into agreements regarding the use of private or leased crown land for recreation opportunities. This would avoid the necessity of crown ownership in situations where, although the recreational values may be provincially significant, the transfer of title to the land may not be in the best interests of the crown or the present landowner. These agreements may be evident in forms such as zoning changes and easements.

A separate Parks Advisory Council Act was passed some years ago, but never implemented. This piece of legislation has recently been repealed. The Minister should be provided with a more flexible mandate to establish public advisory groups according to specific needs. This would allow the Minister to focus public attention on a particular issue or to receive advice on more long term policies of direction for the system of park lands. The terms and conditions under which the public advisory groups would operate would be set out in the terms of reference specific to each group formed.

Regulations

The Act presently gives authority to the Lieutenant Governor in Council to make regulations covering a wide variety of areas essential to good park managment and operation. Specifically noted are protection of resources, visitor use and conduct, development, construction standards, conduct of businesses, public health and safety, fire protection, access, and circulation and pollution control. It is proposed that such existing regulations be updated consistent with the intent of the revised Act.

These present provisions are necessary and comprehensive. However, it is proposed that, consistent with the changes described earlier, specific provisions in the Act recognize the need for: separate regulations for regional parks; and special provisions for the control of protected areas.

Enforcement

The provisions for the enforcement of the Act are presently well described. The Act establishes the powers of the enforcement officers and specifies the offences and associated penalties. Only one other area of change is proposed to the existing provisions. The present maximum penalty for any offence is a fine of $500.00 or, upon default of payment imprisonment for up to six months. It is proposed that the fine be increased to a maximum of $1,000.00 and the maximum terms of imprisonment be similarly extended to one year. It is also proposed that a provision for the compensation for damages arising out of the offence be included, either for monetary reimbursement, or by equivalent labour.

Additional regulating powers regarding liquor and all-terrain vehicles which are proposed for addition to the Act would require similar expansions of enforcement provisions.

Conclusions

The provisions outlined in this White Paper will both streamline park administration and expand the flexibility of park programs. It will provide the Department of Parks and Renewable Resources, and Regional Park Authorities, with an up to date management package to take our excellent park lands system successfully into the future.

Please turn to the questionnaire now and let us know how you see the changes and additions proposed. Thank you for your interest in our Saskatchewan park lands.

Existing Provincial Parks

- Buffalo Pound
- Cypress Hills
- Danielson
- Douglas
- Duck Mountain
- Echo Valley
- Good Spirit Lake
- Greenwater
- Katepwa Point
- Lac La Ronge
- Meadow Lake
- Moose Mountain
- Nipawin
- Pike Lake
- Rowan's Ravine
- Saskatchewan Landing
- The Battlefords

Existing Protected Areas

- Anderson Island
- Besant Midden Historical Site
- Bison Drive
- Cannington Manor
- Fort Black
- Fort Carlton
- Fort Pitt
- Glen Ewen Burial Mound
- Gull Lake
- Hickson — Maribelli Lake
- Last Mountain House
- Matador Grasslands
- Maurice Street
- Pine Island Trading Post
- Steele Narrows Historic Site
- Thomas Battersby Wildlife Protected Area
- Touchwood Hills Hudson Bay Company Trading Post
- Walter Felt Site
- Waskwei River
- Wildcat Hill Wilderness Area
- Wood Mountain